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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,539	04/01/2004	Justin K. Brask	ITL.1137US (P19148)	9991

21906 7590 05/23/2005

TROP PRUNER & HU, PC
8554 KATY FREEWAY
SUITE 100
HOUSTON, TX 77024

EXAMINER

GOUDREAU, GEORGE A

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,539

Applicant(s)

BRASK ET AL.

Examiner

George A. Goudreau

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8, 10-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

George A. Goudreau
GEORGE GOUDREAU
PRIMARY EXAMINER

5-05'

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 1763

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12-13, and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsepochkina (Ru-2,014,302).

Tsepochkina discloses a wet etchant, which is comprised of HF, H₂SO₄, glycerin (i.e.-glycerol), acetone, and ethylene glycol. This is discussed in the abstract.

It would have been inherent that the above wet etchant could be used to etch a semiconductor layer. It would have been inherent that the glycerin, and the ethylene glycol used in the wet etchant taught above functions as a type of thickening. Thus, all of a applicant's claimed limitations are fully met in these regards. The examiner cites the case law listed above of interest to the applicant in this regard.

In re Swinehart (169 U.S.P.Q. 226 (CCPA)) and In re Best (195 U.S.P.Q. 430 (CCPA)) state that when an examiner has reasonable basis for believing that functional characteristics asserted to be critical for establishing novelty in the claimed subject matter may, in fact, be inherent characteristics of the prior art, the examiner possesses the authority to require an applicant to prove that the subject matter shown to be in the prior art does not possess the characteristics relied upon.

3. Claims 16-19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka (JP 05-291,214).

Tanaka discloses a wet etchant, which is comprised of a steam of anhydrous H₂SO₄, which is condensed onto the surface of a semiconductor substrate to form liquid anhydrous H₂SO₄ wet etchant. This is discussed specifically in the abstract; and discussed in columns 1-6. This is shown in figures 1-3.

It would have been inherent that the above wet etchant could be used to etch a semiconductor layer. It would have been inherent that the viscosity of the wet etchant taught above is greater than 1 cP. Thus, all of a applicant's claimed limitations are fully met in these regards. The examiner cites the case law listed above of interest to the applicant in this regard.

4. Claims 12, 14, and 16-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Viglione (4,439,289).

Viglione discloses a wet etchant, which is comprised of one gallon of 100 vol. % H₂SO₄ (i.e.-a dehydrated etchant) with 0.4 ml. of glycerin (i.e-glycerol). This is discussed specifically in column 2; and discussed in general in columns 1-4. This is shown in figures 1-3.

It would have been inherent that the above wet etchant could be used to etch a semiconductor layer. It would have been inherent that the viscosity of the wet etchant taught above is greater than 1 cP. It would have been inherent that the glycerin used in the etchant taught above functions as a type of thickening. Thus, all of a applicant's claimed limitations are fully met in these regards. The examiner cites the case law listed above of interest to the applicant in this regard.

5. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

-Claim 21 is redundant upon claim 18 upon which it depends.


Art Unit: 1763

6. Applicant's arguments with respect to claims of record have been considered but are moot in view of the new ground(s) of rejection.

7. This action will not be made final due to the new grounds of rejection.

8. Any inquiry concerning this communication should be directed to examiner

George A. Goudreau at telephone number (571)-272-1434.


George A. Goudreau
Primary Examiner
Art Unit 1763